

AGREEMENT

US EPA RECORDS CENTER REGION 5

467862

WHEREAS, the City Council of the City of Albion, Michigan, a Municipal Corporation, desires to continue to provide and maintain a waste yard for the use of City of Albion residents and industries subject to such regulations for use as the City Council may prescribe; and,

WHEREAS, Gordon D. Sterwick and Marguerite M. Sterwick, husband and wife, of 424 Pettle Avenue, Jackson, Michigan, are the owners of a certain parcel of real estate containing approximately 20 acres adjacent to East Eric Road in Section 36 of Sheridan Township, Calhoun County, Michigan; and,

WHEREAS, Gordon D. Sterwick is willing to contract with the said City of Albion to provide all land, labor, equipment, supervision and services necessary to operate a sanitary land fill waste disposal yard on said parcel; NOW THEREFORE, In consideration of the mutual covenants and promises of the parties hereto, it is agreed by the City of Albion, hereinafter referred to as the City, and Gordon D. Sterwick, hereinafter referred to as the Contractor, as follows:

1. That the Contractor shall provide all land, labor, equipment, supervision and services necessary to operate a satisfactory sanitary land fill waste disposal yard exclusively for the residents and industries of the City, and such other persons, firms or corporations as the City shall hereafter designate, and that the City shall permit the Contractor to contract separately with the City's franchise holder for garbage collection for waste yard disposal of garbage collected in the City of Albion, which said contract rates shall be subject to approval by the City Council.

2. That the said waste disposal yard shall be operated on a certain parcel of land situated in the Township of Sheridan, Calhoun County, Michigan, and described as follows, to-wit:

Lot 23 of Supervisor's Plat of Section 36 Township 2 South, Range 4 West, Sheridan Township, Calhoun County, Michigan, according to the plat thereof recorded in Liber 9A of Plats on page 7 in the office of the Register of Deeds for Calhoun County, except the southerly 200 feet thereof.

The Contractor shall provide good, and sufficient licenses and express to and from the above-described parcel.

3. That the Contractor shall be licensed by the Michigan Department of Health to operate a sanitary land fill waste disposal yard, and the Contractor shall operate the same pursuant to all present and future regulations of the Michigan Department of Health regarding sanitary land fill operations.

10. That in the event this agreement is terminated prior to the expiration of ten (10) years as set forth in paragraph 5, the City shall have the option to purchase the unruled portion of the above-described parcel, together with a twenty-five (25) foot wide easement for good and sufficient ingress and egress to and from said parcel, for the sum of Three hundred dollars per acre. Such option shall be exercised within fifteen (15) days of the termination of this agreement by written notice from the City to the contractor, and in the event such option is exercised by the City, Gordon D. Storck and Marguerite Storck hereby covenant to furnish to the City a good and sufficient Warranty Deed together with an Abstract of title certified to the date of such conveyance or an owner's policy of title insurance.

11. Notices provided for herein may be served personally or by registered mail to the address shown herein or the last known address of the contractor.

12. This agreement shall not be assigned and shall be binding on the heirs and successors of the parties hereto.

13. That Marguerite H. Storck joins in the execution of this agreement as one of the co-owners of the real estate described herein for purposes of giving full effect to the real estate option provisions contained herein, and she does not sign this instrument as contractor.

In witness whereof the parties have hereunto set their hands this 24th day of May, 1966.

Witnessed by:

CITY OF ALBION

By Lytle M. Johnson, its Mayor
By Howard Bradley, its Clerk

Gordon D. Storck

Marguerite H. Storck